

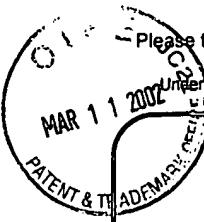
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Total Number of Pages in This Submission

6

Application Number	09/747,824
Filing Date	December 22, 2000
First Named Inventor	Simons, John
Group Art Unit	2122
Examiner Name	Unassigned

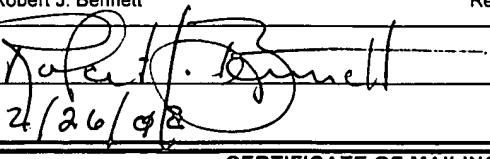
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ENCLOSURES (check all that apply)				
<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i>  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i>  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i>  TRANSMITTAL FORM, Return Postcard		
			<input type="checkbox"/> Remarks	The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

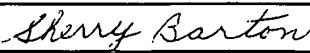
**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm and Individual name	Townsend and Townsend and Crew LLP Robert J. Bennett	
Signature		
Date	2/26/02	

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February 26, 2002

Typed or printed name	Sherry Barton	
Signature		Date
	February 26, 2002	

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**Complete If Known**

Application Number	09/747,824
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Attorney Docket No.	16869C-017000US

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METHOD OF PAYMENT				FEE CALCULATION (continued)																																																																																																																																																																																															
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number <b>20-1430</b></p> <p>Deposit Account Name <b>Townsend and Townsend and Crew LLP</b></p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>				<p>3. ADDITIONAL FEES</p> <table border="1"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Entity Fee Code (\$)</th> <th>Small Entity Fee Code (\$)</th> <th>Entity Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet.</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>400</td><td>216</td><td>200</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>920</td><td>217</td><td>460</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,440</td><td>218</td><td>720</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,960</td><td>228</td><td>980</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>320</td><td>219</td><td>160</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>320</td><td>220</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>280</td><td>221</td><td>140</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>141</td><td>1,280</td><td>241</td><td>640</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>142</td><td>1,280</td><td>242</td><td>640</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>460</td><td>243</td><td>230</td><td>Design issue fee</td><td></td></tr> <tr><td>144</td><td>620</td><td>244</td><td>310</td><td>Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>126</td><td>180</td><td>126</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td>180</td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146</td><td>740</td><td>246</td><td>370</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>149</td><td>740</td><td>249</td><td>370</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>179</td><td>740</td><td>279</td><td>370</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> <tr><td colspan="6">Other fee (specify)</td></tr> <tr> <td colspan="4">The Commissioner is authorized to charge any additional fees to the above noted Deposit Account.</td> <td colspan="2">*Reduced by Basic Filing Fee Paid</td> <td colspan="2">SUBTOTAL (3) (\$180)</td> </tr> </tbody> </table>				Large Entity Fee Code (\$)	Entity Fee Code (\$)	Small Entity Fee Code (\$)	Entity Fee Code (\$)	Fee Description	Fee Paid	105	130	205	65	Surcharge - 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<p>2. EXTRA CLAIM FEES</p> <table border="1"> <thead> <tr> <th>Total Claims</th> <th>-20**</th> <th>=</th> <th>Extra Claims</th> <th>X</th> <th>Fee from below</th> <th>=</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>Independent Claims</td> <td>-3**</td> <td>=</td> <td></td> <td>X</td> <td></td> <td>=</td> <td></td> </tr> <tr> <td>Multiple Dependent</td> <td></td> <td></td> <td></td> <td>X</td> <td></td> <td>=</td> <td></td> </tr> </tbody> </table> <p><b>SUBTOTAL (1) (\$)</b></p>				Total Claims	-20**	=	Extra Claims	X	Fee from below	=	Fee Paid	Independent Claims	-3**	=		X		=		Multiple Dependent				X		=																																																																																																																																																																									
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SUBMITTED BY		Complete if applicable			
Name (Print/Type)	Robert J. Bennett	Registration No. (Attorney/Agent)	27,533	Telephone	415-576-0200
Signature	<i>Robert J. Bennett</i>			Date	2-26-02

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## Technology Center 210C

**In re application of:**

John Simons

Application No.: 09/747,824

Filed: December 22, 2000

# For: ASSEMBLY LANGUAGE CODE COMPILATION FOR AN INSTRUCTION-SET ARCHITECTURE CONTAINING NEW INSTRUCTIONS USING THE PRIOR ASSEMBLER

Examiner: Unassigned

Art Unit: 2122

**INFORMATION DISCLOSURE  
STATEMENT UNDER 37 CFR §1.97 and  
§1.98**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The Statement of Facts set forth below is being called to the attention of the Examiner. As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the Statement of Facts describes prior art merely because it is in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.. To the contrary, it is Applicant's position that since the invention was never made known to the public, and never made available to the public, more than one year prior to the filing of the above-identified patent application, the information does not constitute prior art.

Applicant believes that no fee is required for submission of this statement, since it is being submitted prior to the first Office Action. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Sheet

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of

3

**Complete if Known**

Application Number	09/747,824
Filing Date	December 22, 2000
First Named Inventor	Simons, John
Group Art Unit	2122
Examiner Name	Unassigned
Attorney Docket Number	16869C-017000US

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Technology Center 210



**STATEMENT OF FACTS**

In or about 1994, Hitachi Microsystems Inc. (now Hitachi Semiconductor

(America), Inc.), a wholly-owned subsidiary of Assignee of this application, Hitachi, Ltd., began design and development of a next generation processor that would replace a then commercially marketed processor (hereinafter, the "Earlier Processor"). It was contemplated the next generation processor would retain much of the architecture of the Earlier Processor, but would include digital signal processing (DSP) functionality. This design and development effort would also include development of a new assembler; one that would be able to not only recognize, interpret, and assemble (to machine language) assembly language instructions of the instruction set architecture used by the Earlier Processor, but also newly added instructions that would exercise the added DSP functionality of the next generation processor.

The responsibility for creating the new assembler was assigned to another wholly-owned subsidiary of Assignee, Hitachi America, Ltd. Development of the new assembler meant that it would not be available, until completed, for assembling new (DSP related) assembly language instructions for testing, debugging, and benchmarking the next generation processor design. Thus, rather than wait, the present invention was developed to incorporate the assembler for the Prior Processor into a "Spoof" assembler that was capable of handling instructions added to the new instruction set architecture to take advantage of the added DSP capability.

Examiner Signature		Date Considered
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**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

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of

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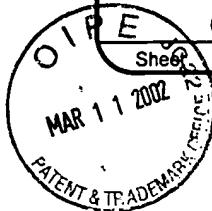
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The Spoof assembler was never made public, never sold, and used only internally by Assignee and Assignee's wholly-owned subsidiary to test and benchmark the design of the next generation processor. In addition, speech compression programs were developed using the Spoof assembler, which were later provided to customers of the next generation processor when put on the market.

Respectfully submitted,

Robert J. Bennett  
Reg. No. 27,533

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: 415-576-0200  
Fax: 415-576-0300  
RJB:sb

SF 1314914 v1

Examiner Signature		Date Considered
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